

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

ALEXANDRE FEDOSEYEV
106 Mandolin Dr.
Madison, Alabama 35758

Plaintiff

v.

Civil Case No.:

ESI GROUP, INC.
6767 Old Madison Pike NW
Number 600
Huntsville, Alabama 36345

Serve: Richard Littlefield
Registered Agent
3885 County Rd 12
Headland, AL 36345

Defendant

VERIFIED COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiff Alexandre Fedoseyev, by his undersigned counsel, brings his Verified Complaint for Copyright Infringement against Defendant ESI Group, Inc., by which Plaintiff seeks damages, injunctive relief and other relief for Defendant's infringement of his copyrighted computer software program CNSPACK.

I. JURISDICTION AND VENUE

1. Plaintiff Alexandre Fedoseyev brings this action for copyright infringement pursuant to the United States Copyright Act of 1976, 17 U.S.C. § 101, et seq. This Court has original and exclusive jurisdiction over Plaintiff's Complaint pursuant to the provisions of 28 U.S.C. §§ 1331 and 1338.

2. Defendant conducts business from its offices in the Huntsville, Alabama metropolitan area. Accordingly, this Court has personal jurisdiction over Defendant.

3. The Defendant named herein is found in this judicial district, and is subject to this Court's jurisdiction. Actions about which Plaintiff is complaining occurred in this judicial district, and records of these actions and witnesses to the occurrences giving rise to his complaint are found, inter alia, in this judicial district. Accordingly, venue is proper in this judicial district with respect to Plaintiff's Complaint under the provisions of 28 U.S.C. §§ 1391(b) and 1400.

II. PARTIES

4. Plaintiff Alexandre Fedoseyev ("Dr. Fedoseyev") is a citizen of the United States who resides at the address shown in the caption of this Complaint. Dr. Fedoseyev was born and educated in Russia, and received his doctorate degree in mathematics and physics from the Institute for Problems in Mechanics of the Russia Academy of Science in Moscow, in 1981. His principal area of research and studies was plasma, gas and fluid dynamics. He emigrated to the United States in 1992 and for 10 years was employed as a research scientist at the University of Alabama in Huntsville; and from 2001 through early 2015 was employed as a Sr. Principal Engineer by CFD Research Corporation in Huntsville. Dr. Fedoseyev is the author of many scholarly publications in the fields of hydro-dynamics, electromagnetics and semi-conductors. He has authored several computer software programs that offer effective and efficient means for solving high-level mathematical problems that have utility and value for businesses engaged in aerospace and semiconductor engineering.

5. Defendant ESI Group, Inc. ("ESI") is a member of the multinational family of companies, widely known by the three-letter acronym they share, engaged in the business of providing consulting, engineering and software development services for industrial and

commercial applications. ESI is incorporated in Florida and operates, inter alia, from facilities in Huntsville, Alabama at the address shown in the caption of this Complaint.

III. FACTS

6. Dr. Fedoseyev is a leading expert in the development and use of computer systems to solve mathematical and engineering problems concerning fluid dynamics and electromagnetics relating to the design and production of materials useful for a wide range of applications, including in the aerospace and electronics industries. Over a period of more than 20 years he has created a computer software program that helps to solve such problems with great speed and efficiency, which he named CNSPACK, an acronym standing for Compact Non-symmetric Solver Package. Dr. Fedoseyev completed the development of CNSPACK in essentially its present form in 2000. He has over the years, since commencing work on his development of CNSPACK, asserted his ownership of copyright in CNSPACK. In August 2015 he submitted an application to register his copyright with the U.S. Copyright Office, which issued Registration No. TXu-955-006 to Dr. Fedoseyev for CNSPACK with an effective registration date of August 14, 2015. A copy of the Certificate of Registration for CNSPACK issued to Dr. Fedoseyev is attached hereto as Exhibit 1.

7. Since having created CNSPACK Dr. Fedoseyev has authorized others, on a non-exclusive basis, to use or grant sublicenses to use CNSPACK in their business operations, and his licensees have paid substantial license fees for the right to use CNSPACK under the terms of those licenses. Since creating CNSPACK Dr. Fedoseyev has never sold or assigned his title or ownership of CNSPACK to any third party, but has himself retained exclusive rights to authorize licenses for use of CNSPACK.

8. On information and belief, ESI obtained software incorporating CNSPACK from a third party, which did not have authority to grant, license, sublicense or assign the right to use CNSPACK to ESI; and since obtaining the software incorporating CNSPACK, ESI has copied and used CNSPACK in the conduct of its business, initially without the knowledge of Dr. Fedoseyev, and without the authorization of Dr. Fedoseyev. Upon Dr. Fedoseyev's registration of his copyright in CNSPACK as described above, and after asserting and resolving claims against the third party from which ESI obtained CNSPACK, Dr. Fedoseyev contacted ESI and advised it of his ownership of CNSPACK and his contention that ESI had been and was infringing his copyright in CNSPACK, and insisted that ESI cease to engage in infringing activities..

9. Notwithstanding several efforts by Dr. Fedoseyev to secure ESI's acknowledgment of its past copyright infringement of CNSPACK, ESI has knowingly declined to respond to Dr. Fedoseyev's communications, and to the best of Dr. Fedoseyev's knowledge it has not discontinued its infringing conduct with respect to CNSPACK.

IV. CLAIMS FOR RELIEF

COUNT I

COPYRIGHT INFRINGEMENT

10. Plaintiff realleges, and incorporates herein by reference, the allegations contained in paragraphs 1 through 9 above of his Complaint.

11. By its actions described above Defendant ESI has willfully infringed Plaintiff's copyright in CNSPACK.

12. By its actions ESI has caused damage to Dr. Fedoseyev, in an amount to be determined.

WHEREFORE, Plaintiff Alexandre Fedoseyev demands as follows:

1. That ESI be preliminarily and permanently enjoined from reproducing, selling or using Plaintiff's computer software program CNSPACK.
2. That ESI be required to pay Plaintiff all his damages and lost profits caused by its infringing actions, or their actions in violation of rights owed to Plaintiff, in an amount believed to be in excess of \$100,000.00, along with enhanced or punitive damages as provided in governing law in an amount to be determined; and
3. That ESI be ordered to surrender all copies of any computer software program incorporating CNSPACK in its possession or under their control for destruction, and remove all portions of CNSPACK from its computer systems.
4. That ESI be required to pay Plaintiff his costs and attorney's fees incurred in bringing and prosecuting this lawsuit for copyright infringement, as provided in 17 U.S.C. § 505; and
5. That this Court order whatever further relief against ESI this Court deems just and proper.

JURY DEMAND

Dr. Fedoseyev demands trial by jury on his Complaint herein.

Respectfully submitted,

BLACKWELL LAW FIRM

By: /s/ Jeffrey Blackwell
120 Holmes Avenue
Suite 401
Huntsville, Al 35801
Office: (256) 261-1315
jeff@blackwell-attorneys.com
Attorneys For Plaintiff

PEACOCK MYERS, P.C.

By: /s/ Jeffrey L. Squires

NM Bar No. 143015

201 Third St. NW, Suite 1340

Albuquerque, NM 87102

Office: (505) 998-6116

Fax: (505) 243-2542

Email: jsquires@peacocklaw.com

Attorneys For Plaintiff

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VERIFICATION

Alexandre Fedoseyev here states as follows:

I have read the Verified Complaint for Copyright Infringement to which my Verification is appended and made part. The facts stated therein are, to the best of my knowledge, true and correct, excepting only for any statements made on information and belief, which statements I believe to be true and correct.

I declare, this 10th day of February, 2017, under penalty of perjury, that the foregoing is to the best of my knowledge true and correct.



Alexandre Fedoseyev